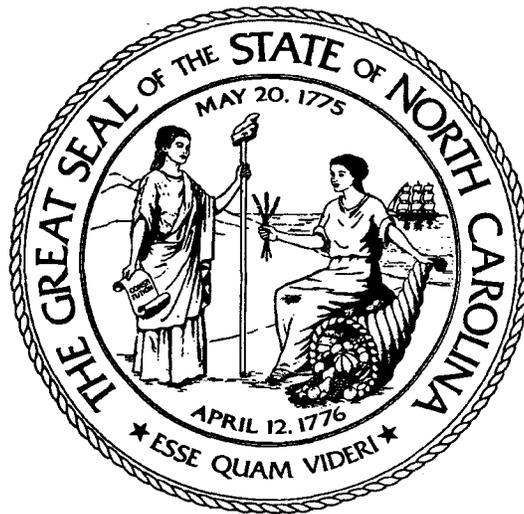


**REPORT OF THE  
COMMISSION ON THE FAMILY**



**REPORT TO THE  
1991 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

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NORTH CAROLINA GENERAL ASSEMBLY

January 31, 1991

TO THE HONORABLE JAMES G. MARTIN, GOVERNOR  
AND MEMBERS OF THE 1991 GENERAL ASSEMBLY:

The Commission on the Family herewith submits to you for your consideration its report on State government policy and programs affecting the family. This report was prepared by the Commission on the Family pursuant to Part X of Chapter 802 of the 1989 Session Laws.

Respectfully submitted,

  
\_\_\_\_\_  
Senator Helen R. Marvin

  
\_\_\_\_\_  
Representative R. Don Beard

Cochairmen

Commission on the Family

## INTRODUCTION

The Commission on the Family, established by Article 12G of Chapter 120 of the General Statutes, is a permanent commission authorized to study State government policy and programs affecting the family. The Commission on the Family replaces the former Commission on Children & Youth, and is directed to work in close collaboration with various agencies and programs dealing with the family. Among the Commission's duties is that of "specifically addressing family issues from the point of existing laws, governmental programs needed or already functioning, and current family life issues." (G.S. 120-70.71).

The Commission on the Family was authorized by Part X of Chapter 802 of the 1989 Session Laws (1989 Session). The relevant portions of Chapter 802 are included in Appendix A. The Commission was chaired by Senator Helen Rhyne Marvin and Representative R. Don Beard. The full membership of the Commission is listed in Appendix B of this report. A committee notebook containing the commission minutes and all information presented to the commission is filed in the Legislative Library.

## COMMITTEE PROCEEDINGS

The Commission on the Family met eight times and held two public hearings prior to issuing this report: December 12, 1989; January 9, 1990; February 13, 1990; March 13, 1990; April 10, 1990 (Public Hearing - Fayetteville); September 5, 1990 (Public Hearing - Shelby); October 3, 1990; November 13, 1990; December 11, 1990; January 8, 1991. Lists of those attending Commission meetings, as well as Commission minutes are contained in the Commission's records on file in the Legislative Library.

### December 12, 1989 Meeting

The Commission held its initial meeting on December 12, 1989, at the call of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The Commission adopted its operating budget and reviewed its duties under the authorizing legislation. Commission members were asked by the co-chairs to begin prioritizing issues to be addressed in future meetings.

Dr. Lenore Behar, Division of Mental Health, Mental Retardation and Substance Abuse in the Department of Human Resources, discussed the needs of children with chronic illness and their families. She indicated that ongoing services include planning for the child and providing quality programs, and stressed the need for an increase in community services and an increase in the medicaid rate for mental health services.

John Niblock, of the North Carolina Child Advocacy Institute, discussed the need for interagency interaction in the area of family preservation. Vicki Church, of the Governor's Crime Commission, shared information on programs for in-home family service to families with chronic illness and on alternative classrooms for chronic truants.

James Conner, of the Governor's Advocacy Council for Children and Youth, presented issues related to raising the juvenile age from 16 to 18. Additional information on the juvenile age issue was provided by John Niblock of the Child Advocacy Institute and by Dr. Thomas Danek of the Administrative Office of the Courts.

### January 9, 1990 Meeting

Dr. Alvin Hartness, a Fayetteville pediatrician, addressed the Commission regarding his concerns about an increase in the number of babies being born to mothers out of wedlock. He introduced the question of responsibility among teens in pregnancy situations, particularly the responsibility of teen fathers. Dr. Hartness suggested a form of certification for parenthood, and mentioned the efforts of his local Council on Adolescent Pregnancy and the family life curriculum in the public schools.

Margie Rose, of the Division of Maternal and Child Health in the Department of Environment, Health and Natural Resources, presented background information on the Adolescent Pregnancy, Prematurity Prevention, and Adult/Child Medical Health

Projects. Ms. Rose will provide Commission members with information on each of the 32 state-funded projects.

Dr. Ida Simpson, Professor of Sociology at Duke University, commented on the social aspects of sexuality and the changing attitudes toward sex in today's society. Dr. Simpson was asked to appear at a future meeting and make suggestions on the formulation of legislative policy to strengthen and support families.

Jhonnie Ellerbe, Department of Public Instruction, discussed the department's efforts in pregnancy prevention. She stressed that the focus of their programs is not only on pregnancy prevention, but also on dropout prevention. Ms. Ellerbe indicated a lack of qualified teachers in the area of sex education and the more complex problem of community perception of sex education in the schools.

Joanne Caye, Department of Human Resources, outlined the Adolescent Parenting Program, which operates in eight counties. Barbara Huberman, Director of the N.C. Coalition on Adolescent Pregnancy, discussed the costs of teen pregnancy and policy changes needed in addressing the problem. Commission Member Paul Kayye suggested more coordination of various adolescent pregnancy programs.

### February 13, 1990 Meeting

Dr. Ann Wolfe, Director of the Division of Maternal & Child Health in the Department of Environment, Health and Natural Resources, discussed the goals of the division in reducing infant death and disability and in promoting and enhancing the healthy growth and development of children. The Division is especially concerned with those who are developmentally disabled or at risk for health problems. Services coordinated by the Division include family planning clinics, prenatal care clinics, maternity care coordination, high-risk maternity clinics, the Baby Love program, nutrition programs for women and children, and the WIC program. Dr. Wolfe also talked about developmental evaluation centers which provide multi-disciplinary evaluation and services to children who have disabilities or chronic illness.

Kaye Fields, Department of Human Resources, presented information the Commission had requested on AFDC Programs and eligibility. Ms. Fields stated that 17% of the state's families receiving AFDC have one member who is employed. North Carolina ranks third in the AFDC payment scale in the southeast behind Florida and Georgia.

Alene Matthews, Department of Human Resources, told the Commission that there are not enough medical providers in some areas of the state for medicaid clients and nursing home clients.

Dr. Ida Simpson, Duke Professor of Sociology, returned to discuss what she described as the three family patterns in today's society: (1) the traditional family, (2) child bearing out of wedlock, and (3) childless marriages. Dr. Simpson stressed the need for programs geared toward prevention of out of wedlock teen pregnancies, and stated that there should not be any unwanted children in our times. Many teens lack

the maturity and self-control for parenthood, and pregnancy prevention information should involve sex education together with a parental responsibility message. Dr. Simpson suggests that lower welfare rolls for women with out of wedlock children may be achieved by way of job training and mandatory social services for children. The state's role should include aid for young families in the purchase of property and homes, assistance for two-income families, help with child care arrangements and low cost health insurance.

Dr. Eric Brodin, of Buies Creek, presented information on social programs in Sweden and expressed the belief that governmental intervention can create bureaucracies which intervene into the traditional roles of the family with potentially negative effects.

Dawn Anthony, of the Gaston County Adolescent Health Council, described programs developed by that agency. The Health Council's goal is to reduce causes of unhealthy behavior such as sexual activity and substance abuse. Ms. Anthony urged the Commission to support comprehensive family life education in grades K-12, to support increased funding for state adolescent pregnancy prevention projects, to support funds for additional school nurses and health educators, and to support funds for expansion of affordable and quality child care.

On February 15 & 16, members of the Commission attended a conference entitled "Focusing on Families in North Carolina: Health & Policy Issues". The conference was held in Raleigh, and was sponsored by the North Carolina Family Life Council.

### March 13, 1990 Meeting

The Commission continued its discussion of adolescent pregnancy prevention with a presentation by Mike Long of Project WAIT. Mr. Long works with the "Sex Respect" curriculum which involves abstinence education. Mr. Long explained that his program presents human sexuality as involving physical, mental, emotional, and spiritual factors, and stated that his program teaches that humans have the ability to control their behavior and are responsible for their actions. The Commission discussed the evaluation and apparent effectiveness of various adolescent pregnancy prevention projects.

Bob Frye, Department of Public Instruction, emphasized the need for school/community agreement and combined efforts in setting goals for sex education efforts.

Judith Hanna and Ellen Plummer, N.C. Council on the Status of Women, provided an overview of the domestic violence program in the State.

### April 10, 1990 Public Hearing - Fayetteville

The Commission met in the Cumberland Hall Auditorium on the campus of Fayetteville Technical Community College, and received comments from fifteen persons on issues related to government's role in the preservation of family life. Issues raised included affordable medical assistance, housing, child abuse/neglect, adolescent pregnancy, literacy, family preservation and support of the Basic Education Plan.

### September 5, 1990 Public Hearing - Shelby

The Commission met in the Student Activity Center on the campus of the Cleveland Community College, and received comments from seventeen persons on issues related to government's role in the preservation of family life. Issues raised included adolescent pregnancy prevention, domestic violence programs, child abuse, business and industry involvement in community concerns, abortion, and home schooling.

The "911 Teen Theatre", featuring junior high school students, performed several skits for the Commission. The skits were dramatic presentations of problems faced by adolescents, designed to stimulate discussion among student audiences.

### October 3, 1990 Meeting

Sylvia Massey, Dropout Prevention Consultant, was designated by the Superintendent of Public Instruction to replace Dr. Carolyn Cobb as a member of the Commission. Dr. Cobb, who was assigned to another position within the Department, was commended for her service on the Commission.

Fred Davis, founder of Parents Against Teen Suicide (PATS), spoke to the Commission about the organization's work in the prevention of adolescent suicide. PATS operates a 24-hour education and crisis hotline, and provides lectures and educational information on suicide intervention. Mr. Davis urged the Commission to support funding for youth suicide prevention services.

John Niblock and Michele Rivest, of the N.C. Child Advocacy Institute, provided information about children in out-of-home placements, and about family preservation services as a program alternative. According to the Institute, each year approximately 15,000 children are separated from their families and placed in a variety of settings including institutional and foster care. Child advocates believe that many of these children could remain with their families if appropriate services were provided to the families. Currently, there are 28 family preservation programs available, with many counties having no access to the services. The family preservation programs are having positive results with more families remaining intact, fewer child placements outside the home, improved family relationships, and greater use of community resources. The cost of family preservation programs is generally less than residential child care and institutional care facilities.

Janis Ranquist, of the N.C. Association for Counseling and Development, described school counselors as the designated persons to deal with dysfunctioning families and other personal problems of students. The school counselors requested that the legislature mandate that at least 50% of each counselor's time be reserved for direct student services. The concern is that other administrative duties, including test monitoring, and bus and lunchroom supervision, could take valuable time away from individual student services.

### November 13, 1990 Meeting

The Commission reviewed a proposed family preservation legislative initiative presented by Michele Rivest of the N.C. Child Advocacy Institute. The Commission continued a discussion of the utilization of school counselors, with the proposal that 75% of school counselor's time be concentrated on actual counseling of students.

The Commission began to review its progress and move toward adopting recommendations for its 1991 report to the Governor and the General Assembly.

### December 11, 1990 Meeting

Commission member Mike McIntyre proposed a prologue to the Commission's recommendations which was adopted by the group. The remainder of the meeting was dedicated to the presentation and adoption of proposals which will be presented to the legislature in 1991.

Jan Ranquist presented the proposal on utilization of school counselors. The Commission voted to recommend that 95% of each school counselor's time be reserved for direct services to students and for guidance-related administrative services.

Michele Rivest, N.C. Child Advocacy Institute, presented the proposal for family preservation legislation. The Commission voted to adopt the proposal.

After a review of the recommendations contained in the 1989 Youth Suicide Study Commission Report, the Commission voted to propose legislation to appropriate \$25,000 to the Department of Human Resources to contract for youth suicide prevention services.

Brenda Campbell, Chair of the Sexual Assault and Domestic Violence Advisory Committee of the N.C. Council on the Status of Women, presented proposals for warrantless arrest in domestic violence cases and for increased funding for domestic violence and sexual assault programs. The Commission voted to endorse warrantless arrest and to propose legislation for increased program funding.

Commission member Dr. David Tayloe, who is active with the N.C. Pediatric Society, discussed child wellness care and the need for availability of state-mandated vaccines. The Commission voted to endorse the Pediatric Society's vaccine legislation.

### January 8, 1991 Meeting

At its final meeting of the 1989-90 term, the Commission approved the report containing its findings and recommendations to the 1991 General Assembly. The Commission reviewed and adopted legislative proposals which will be introduced in the 1991 Session.

Members of the Commission continued to express concern about health care and health insurance, housing, the "working poor" and other matters affecting families in North Carolina. The Commission has many areas which it hopes to continue to address during its next term, and has requested continued funding for the 1991-92 biennium.

## FINDINGS AND RECOMMENDATIONS

Recognizing that there are many pressures upon the family in our society today, the North Carolina Commission on the Family seeks to enhance, expand, and preserve the role of the family as the most basic, fundamental unit of society and encourages government to be a friend of the family by supporting families which are functioning well and assisting those which are dysfunctional. Toward this end, the Commission makes the following findings and recommendations.

### Youth Suicide Prevention Services

**FINDINGS:** While there is some indication that communities have responded to the youth suicide phenomena, there remain gaps in service delivery which must be overcome. Several states have enacted legislation to address the continuing problem of youth suicide, and have provided services to make youth and adults aware of the warning signs of suicide, along with crisis intervention programs and counseling for families and teens. The Commission on the Family finds that the State should work in partnership with local governments and private organizations to expand community and professional involvement in addressing the problem of youth suicide. The legislature, to the extent possible, should make funds available to support existing programs which have demonstrated some capacity to meet the needs of young people and families in the prevention of youth suicide.

**RECOMMENDATION 1:** The Commission recommends, and includes in its draft legislation, the appropriation of funds for contract youth suicide prevention services.

### Utilization of School Counselors

**FINDINGS:** School counselors are often the designated persons to deal with dysfunctional families and troubled children, and often have a great deal of recordkeeping responsibilities. It is important to have trained persons available in the school environment who can talk with students about their concerns and help them identify positive solutions. It appears that some school administrators do not have a clear concept of the school counselor's role, and that a special mandate may be necessary to designate school counselor duties. The Commission finds that to achieve maximum utilization of school counselors, many non-guidance related duties should be assigned to other personnel.

**RECOMMENDATION 2:** The Commission recommends, and includes in its draft legislation, that each school administrator adopt a management policy that will allow each school counselor to reserve 95% of the work day for direct services to students and guidance-related administrative services.

## Domestic Violence

**FINDINGS:** Domestic violence is the leading cause of injury to women in the United States. The Commission finds that in fiscal year 1989-90, the domestic violence programs in North Carolina provided services to more than 28,000 people seeking relief from domestic violence. Nearly 17,000 of these people were primary victims of assaults themselves, and over 11,000 were the children, families and friends of these victims. In the United States, from 1988 to 1989, aggravated assault increased 4.6%, while in North Carolina, aggravated assault increased 5.4%. It is estimated that 20-25% of aggravated assaults are domestic violence related. The murder rate is also on an increase in North Carolina. From 1988 to 1989, the national murder rate increased 4%, while in North Carolina it increased 14.5% - almost triple the national rate. Of murders committed in 1989, 7.4% were committed by a spouse or ex-spouse; 4.8% were committed by a child, and 4.5% were committed by other family members.

The Commission also finds that in fiscal year 1989-90, the sexual assault programs in North Carolina provided services to nearly 4,000 victims of rape, sexual assault and child sexual abuse. In North Carolina, reported rapes increased 7.1% during 1989 while the national rate of reported rapes increased 2.2%. North Carolina's rate of reported rapes is up 52% over the five year period from 1984 to 1989.

**RECOMMENDATION 3:** The Commission recommends and supports legislation to allow warrantless arrest based on probable cause in domestic violence cases. The Commission believes such legislation would allow police intervention before violent situations escalate.

**RECOMMENDATION 4:** The Commission recommends, and includes in its draft legislation, an increase in the funding for sexual assault and domestic violence programs. The Commission recommends an appropriation of \$30,000 per program to domestic violence and sexual assault programs, and an appropriation of \$300,000 for program start-up.

## Family Preservation Projects

**FINDINGS:** The Commission finds that pressures on families are mounting, and that child abuse and neglect, poverty, homelessness, teen pregnancy, drug abuse, and crime are increasing. As families break apart, pressures also build on the state and county service system to respond to the needs of troubled children and their families. Each year in North Carolina, over 15,000 children are separated from their families and placed in a variety of settings ranging from foster homes to psychiatric hospitals at a tremendous personal and public cost. North Carolina spends nearly \$78 million annually on out-of-home placement. Many of these children could be safely protected at home if appropriate resources were provided to their families.

"Family Preservation" programs are designed to prevent unnecessary placement of children outside their natural families. These short-term, intensive, home-based services have demonstrated their effectiveness nationally and in North Carolina. The State has developed family preservation programs across its service system - in the state mental

health, social services, and juvenile justice systems. The Commission finds that many of the existing programs are underdeveloped in staffing, training, and financial resources. There are no statewide, cross-system criteria shaping these programs, which may affect quality control of these programs and diminish the opportunity for successful intervention with troubled children and families. With the exception of a few programs, no evaluation studies have been done to guide the development of these programs in the state. However, the Commission finds that despite these handicaps and regardless of the auspices of the program, these programs are demonstrating positive results: more families are remaining together, fewer children are placed unnecessarily in out-of-home care, stronger parent and child relationships are forged, and greater use of existing resources is made by communities to meet the needs of these families.

**RECOMMENDATION 5:** The Commission recommends, and includes in its draft legislation, movement toward statewide implementation of family preservation services.

#### Child Wellness Care

**FINDINGS:** Many children who receive health care in physician's offices are eligible to receive state-mandated vaccines. Physicians cannot immunize these children unless their families can afford to pay for the vaccines. Because vaccine prices have escalated dramatically during the past decade, many families cannot afford to have their children immunized in physician's offices. Many working parents are therefore required to take extra time off from work to take their children to local health departments for free vaccines. The Commission believes that if the State were to supply the necessary vaccines to physicians, the physicians could make a significant contribution to the State's effort to improve immunization rates among its children.

**RECOMMENDATION 6:** The Commission endorses legislation proposed by the North Carolina Pediatric Society to provide State mandated vaccines without charge to health care providers.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION  
RATIFIED BILL

CHAPTER 802  
SENATE BILL 231

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Studies Act of 1989."

. . . .

PART X.-----COMMISSION ON THE FAMILY

Sec. 10.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 12G.

"Commission on the Family.

"§ 120-70.70. Commission established.

The Commission on the Family is hereby established as a permanent commission. As used in this Article, the term 'Commission' means the Commission on the Family.

"§ 120-70.71. Powers and duties.

The Commission shall study State government policy and programs affecting the family, specifically addressing family issues from the point of existing laws, governmental programs needed or already functioning, and current family life issues. The Commission shall work in close collaboration with various agencies and programs dealing with the family. Among the issues the Commission may consider studying are the following:

- (1) The feasibility of establishing model projects that would be located primarily in low-income, high dropout rate communities in North Carolina:
  - a. To teach adults in the family to read; and
  - b. To provide after school care for school-aged children using volunteers who could be retirees in the provision of services;
- (2) The fiscal impact of a cash stipend created by a tax deduction or by industry dollars to promote literacy or the obtainment of a General

Education Development Degree for persons who are presently illiterate or outside the school system;

- (3) The need for day care for children and senior citizens, an increase in Aid to Families with Dependent Children payments and eligibility requirements, coordination of State law with federal welfare reform programs, in-home services for the elderly, additional funding for adult day care, and incentives for industries to develop day care programs;
- (4) The relationship between the decline of real income and the tax structure, college tax credits, the minimum wage, and welfare support systems;
- (5) The State's efforts in the areas of adolescent pregnancy and teaching about adolescent sexuality;
- (6) A comprehensive review of State and federal programs encouraging business and industry to provide adequate child care for their employees;
- (7) An analysis of what the State is currently doing to encourage North Carolina businesses and industry to provide adequate child care for their employees;
- (8) A survey of North Carolina employers that presently provide child care options for their employees and what types of options they provide;
- (9) A comprehensive study of the types of tax incentives and other incentives that would encourage North Carolina businesses--especially those that have 50 or more employees--to either provide on-site child care facilities or provide other child care options and the cost to the State of these tax incentives;
- (10) Recommendations of what the State could be doing to encourage North Carolina businesses to provide on-site child care facilities or other child care options for their employees;
- (11) Recommendations of a comprehensive policy for North Carolina to encourage businesses within the State to provide on-site child care facilities or other child care options for their employees; and
- (12) The concept of requiring coverage of child health supervision services in all health insurance policies sold or delivered within the State;
- (13) The issue of domestic violence; and
- (14) The problem of suicide among the youth of the State.

**"§ 120-70.72. Membership; cochairmen; vacancies.**

The Commission shall consist of 14 members, as follows:

- (1) The Secretary of Human Resources or his designee;
- (2) The Superintendent of Public Instruction or his designee;
- (3) Three members of the House of Representatives appointed by the Speaker of the House;
- (4) Three members of the Senate appointed by the President Pro Tempore of the Senate;
- (5) Two members at-large appointed by the Speaker of the House;
- (6) Two members at-large appointed by the President Pro Tempore of the Senate; and
- (7) Two members at-large appointed by the Governor.

Vacancies shall be filled in the same manner as the initial appointments.

The Commission shall have its initial meeting no later than October 1, 1989, at the call of the Speaker of the House and the President Pro Tempore of the Senate. The Speaker of the House and the President Pro Tempore shall each appoint a cochairman from the membership of the Commission. The membership shall meet upon the call of the cochairmen.

**§ 120-70.73. Compensation and expenses of members.**

The Commission members shall receive no salary for serving but shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6 as applicable.

**§ 120-70.74. Additional powers.**

The Commission may hold public meetings across the State to solicit public input with respect to the issues of the family.

The Commission shall have authority to obtain information and data from all State officers, agents, agencies, and departments while in the discharge of its duties, pursuant to the provisions of G.S. 120-19 as if it were a committee of the General Assembly. The Commission shall have the authority to call witnesses, compel testimony relevant to any matter properly before the Commission, and subpoena relevant records and documents. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this section, the subpoena shall also be signed by the cochairmen of the Commission. Any cost of providing information to the Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission from funds available for the Commission's work.

The Commission shall report its findings and recommendations to the General Assembly and the Governor no later than February 1 of each odd-numbered year.

**§ 120-70.75. Staffing.**

At the request of the Commission, the Legislative Services Commission may supply members of the staff of the Legislative Services Office and clerical assistance to the Commission as it deems appropriate. The Commission may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

Sec. 10.2. There is allocated from the funds appropriated to the General Assembly to the Commission on the Family for its work the sum of \$25,000 for the 1989-90 fiscal year and the sum of \$25,000 for the 1990-91 fiscal year.

Sec. 10.3. Article 12B of Chapter 120 of the General Statutes is repealed. Funds appropriated to the Commission on Children and Youth are transferred to the Commission on the Family.

...

APPENDIX B

COMMISSION ON THE FAMILY

1989-90 MEMBERSHIP

Senator Helen Rhyne Marvin, Cochair  
119 Ridge Lane  
Gastonia, North Carolina 28054  
(704) 864-2757

Senator Richard E. Chalk, Jr.  
427 Wright Street  
High Point, North Carolina 27260  
(919) 841-2089

Senator LaFontine Odom  
1100 S. Tryon Street  
Charlotte, North Carolina 28203  
(704) 372-4800

Dr. Paul Kayye  
Department of Human Resources  
Adams Building, 101 Blair Drive  
Raleigh, North Carolina 27603  
(919) 733-4534

Mrs. Sandra Babb  
1417 Park Drive  
Raleigh, North Carolina 27605  
(919) 839-8434

Ms. Wanda Boyette  
Route 6, Box 552  
Clinton, North Carolina 28328

Dr. David T. Tayloe, Jr.  
2706 Medical Office Place  
Goldsboro, North Carolina 27530

Representative R. D. Beard, Cochair  
2918 Skye Drive  
Fayetteville, North Carolina 28303  
(919) 484-9935

Representative Theresa H. Esposito  
207 Stanaford Road  
Winston-Salem, North Carolina 27104  
(919) 765-5176

Representative Luther R. Jeralds  
319 Jasper Street  
Fayetteville, North Carolina 28301  
(919) 488-3542

Mrs. Dorothy M. Martin  
Governor's Executive Mansion  
200 N. Blount Street  
Raleigh, North Carolina 27601  
(919) 733-3871

Ms. Lynda B. Middlemas  
633 Hempstead Place  
Charlotte, North Carolina 28207  
(704) 376-9183

Mr. D. Carmichael McIntyre, III  
1701 N. Chestnut Street  
Lumberton, North Carolina

Ms. Sylvia Massey  
Department of Public Instruction  
116 W. Edenton Street  
Raleigh, North Carolina 27603  
(919) 733-6826

COMMISSION ON THE FAMILY

STAFF

Ms. Brenda J. Carter, Counsel  
Research Division  
545 Legislative Office Building  
Raleigh, North Carolina 27611-5925  
(919) 733-2578

Ms. Gann Watson, Co-Counsel  
Bill Drafting Division  
100 Legislative Office Building  
Raleigh, North Carolina 27611-5925  
(919) 733-6660

Ms. Mary Tyson, Clerk  
Room 623, Legislative Office Building  
Raleigh, North Carolina 27611  
(919) 733-5953

## APPENDIX C

### MAILING LIST OF INTERESTED PERSONS

Mia Day Burroughs  
N.C. Coalition on Adolescent Pregnancy  
110 Kent Road  
Raleigh, N.C. 27606

Glen Cobb  
Dept. of Human Resources  
Adams Bldg./Dix Campus

Vicki Church  
Governor's Crime Commission  
Dobbs Building

Jerry Davis  
BIABH Study Center  
204 Avery Avenue  
Morganton, N.C. 28566

Jenny Weisz  
Guardian Ad Litem Admin.  
AOC  
Justice Building

Mr. Fred Davis  
Parents Against Teen Suicide  
#1 Smathers Street  
Clyde, North Carolina 28721

Roslyn Savitt  
4505 Wilkes Street  
Raleigh, N.C. 27609

Kay Troost  
N.C. Family Life Council  
805 W. South Street  
Raleigh, N.C. 27603

Dr. Thomas A. Danek  
Juvenile Services  
AOC  
2 East Morgan Street  
Raleigh, N.C.

Nancy Ratcliff  
5306 Wales Street  
Charlotte, N.C.

Dr. Wallace Brown  
N.C. Pediatric Society  
3708 Lubbock Drive  
Raleigh, N.C. 27612

LEGISLATIVE PROPOSAL I

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S/H

D

91-LNU-033

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Youth Suicide Prevention Funds.

(Public)

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Sponsors:

---

Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN  
3 RESOURCES TO CONTRACT WITH ORGANIZATIONS FOR SERVICES  
4 RELATED TO THE PREVENTION OF YOUTH SUICIDE.  
5 The General Assembly of North Carolina enacts:  
6           Section 1. There is appropriated from the General Fund to the  
7 Department of Human Resources, Office for Children and the Family, the sum  
8 of \$25,000 for the 1991-92 fiscal year, and the sum of \$25,000 for the 1992-  
9 93 fiscal year, to award contracts to public or private nonprofit organizations,  
10 agencies, schools, or hospitals, that offer programs or services designed to  
11 prevent youth suicide. The Department shall develop application procedures  
12 and eligibility guidelines for the awarding of contracts; provided that all State  
13 funds paid under such contracts shall be used solely for programs implemented  
14 and services delivered within North Carolina.  
15           Sec. 2. This act becomes effective July 1, 1991.

## ANALYSIS OF LEGISLATIVE PROPOSAL I

**Section 1.** Appropriates \$25,000 for each year of the 1991-93 biennium to the Department of Human Resources, Office for Children and the Family, to award contracts to public or private nonprofit organizations that offer programs or services designed to prevent youth suicide. The Department is required to develop application procedures and eligibility requirements for the awarding of contracts. Funds are to be used solely for programs and services delivered in North Carolina.

**Section 2.** The bill would become effective July 1, 1991.

LEGISLATIVE PROPOSAL II

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S/H

D

91-LNU-032A)1.1)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: School Counselor Services.

(Public)

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Sponsors:

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Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE SCHOOL PRINCIPALS TO LIMIT THE AMOUNT  
3 OF TIME A SCHOOL COUNSELOR IS ASSIGNED TO NON-  
4 COUNSELING DUTIES.  
5                   Whereas, the General Assembly recognizes the importance of  
6 having school guidance counselors available to talk with students about their  
7 concerns and to help them identify positive solutions; and  
8                   Whereas, the General Assembly is aware that school counselors are  
9 often called upon to assist troubled students and their families; and  
10                  Whereas, the General Assembly recognizes that school counselors  
11 are often assigned duties that are administrative or clerical in nature, that are  
12 not directly related to counseling, and that consume time that would be more  
13 effectively spent providing direct services to students; and  
14                  Whereas, the General Assembly finds that in order to achieve  
15 maximum effectiveness of school counselors' time and expertise many non-  
16 guidance related duties should be assigned to other school personnel; Now  
17 therefore,  
18 The General Assembly of North Carolina enacts:

1           Section 1. G.S. 115C-288 reads as rewritten:

2   **"§ 115C-288. Powers and duties of principal.**

3   (a) To Grade and Classify Pupils. -- The principal shall have authority to  
4 grade and classify pupils.

5   (b) To Make Accurate Reports to the Superintendent and to the Local  
6 Board. -- The principal shall make all reports to the superintendent. Every  
7 principal of a public school shall make such reports as are required by the  
8 boards of education, and the superintendent shall not approve the vouchers for  
9 the pay of principals until the required monthly and annual reports are made:  
10 Provided, that the superintendents may require teachers to make reports to the  
11 principals and principals to make reports to the superintendent: Provided  
12 further, that any principal or supervisor who knowingly and willfully makes or  
13 procures another to make any false report or records, requisitions, or payrolls,  
14 respecting daily attendance of pupils in the public schools, payroll data sheets,  
15 or other reports required to be made to any board or officer in the  
16 performance of his duties, shall be guilty of a misdemeanor and upon  
17 conviction shall be fined or imprisoned in the discretion of the court and the  
18 certificate of such person to teach in the public schools of North Carolina shall  
19 be revoked by the Superintendent of Public Instruction.

20   (c) To Improve Instruction and Community Spirit. -- The principal shall  
21 give suggestions to teachers for the improvement of instruction.

22   (d) To Conduct Fire Drills and Inspect for Fire Hazards. -- It shall be the  
23 duty of the principal to conduct a fire drill during the first week after the  
24 opening of school and thereafter at least one fire drill each school month, in  
25 each building in his charge, where children are assembled. Fire drills shall  
26 include all pupils and school employees, and the use of various ways of egress  
27 to simulate evacuation of said buildings under various conditions, and such  
28 other regulations as shall be prescribed for fire safety by the Commissioner of  
29 Insurance, the Superintendent of Public Instruction and the State Board of  
30 Education. A copy of such regulations shall be kept posted on the bulletin  
31 board in each building.

32   It shall be the duty of each principal to inspect each of the buildings in his  
33 charge at least twice each month during the regular school session. This  
34 inspection shall include cafeterias, gymnasiums, boiler rooms, storage rooms,  
35 auditoriums and stage areas as well as all classrooms. This inspection shall be  
36 for the purpose of keeping the buildings safe from the accumulation of trash  
37 and other fire hazards.

38   It shall be the duty of the principal to file two copies of a written report  
39 once each month during the regular school session with the superintendent of  
40 his local school administrative unit, one copy of which shall be transmitted by

1 the superintendent to the chairman of the local board of education. This report  
2 shall state the date the last fire drill was held, the time consumed in evacuating  
3 each building, that the inspection has been made as prescribed by law and such  
4 other information as is deemed necessary for fire safety by the Commissioner  
5 of Insurance, the Superintendent of Public Instruction and the State Board of  
6 Education.

7 It shall be the duty of the principal to minimize fire hazards pursuant to the  
8 provisions of G.S. 115C-525.

9 (e) To Discipline Students and to Assign Duties to Teachers with Regard to  
10 the Discipline, General Well-being, and Medical Care of Students. -- The  
11 principal shall have authority to exercise discipline over the pupils of the  
12 school pursuant to policies adopted by the local board of education as  
13 prescribed by G.S. 115C-391(a). The principal shall use reasonable force to  
14 discipline students and shall assign duties to teachers with regard to the general  
15 well-being and the medical care of students pursuant to the provisions of G.S.  
16 115C-307 and 115C-390. The principal also may suspend or dismiss pupils  
17 pursuant to the provisions of G.S. 115C-391.

18 (f) To Protect School Property. -- The principal shall protect school property  
19 as provided in G.S. 115C-523.

20 (g) To Ensure that School Counselors Spend The Majority of Their Time on  
21 Counseling Services -- The principal shall limit the amount of time that school  
22 counselors are assigned to non-counseling duties so as to ensure that school  
23 counselors reserve at least 95% of their time for direct services to students and  
24 for guidance-related administrative services."

25 Sec. 2. This act is effective upon ratification and shall apply  
26 beginning with the 1991-92 school year.

## ANALYSIS OF LEGISLATIVE PROPOSAL II

**Section 1.** Amends the powers and duties of school principals to require that principals limit the amount of time that school counselors are assigned to non-counseling duties. The bill provides that at least 95% of a counselor's time be reserved for direct services to students and for guidance-related administrative duties.

**Section 2.** The bill would be effective upon ratification and would apply beginning with the 1991-92 school year.

LEGISLATIVE PROPOSAL III

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S/H

D

91-LNU-034B(1.1)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Domestic Violence Funds.

(Public)

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Sponsors:

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Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF  
3 ADMINISTRATION TO HELP SUPPORT DOMESTIC VIOLENCE AND  
4 SEXUAL ASSAULT PREVENTION PROGRAMS AND CENTERS.  
5 The General Assembly of North Carolina enacts:  
6           Section 1. There is appropriated from the General Fund to the  
7 Department of Administration, Council on the Status of Women, the sum of  
8 \$1,801,516 for the 1991-92 fiscal year and the sum of \$1,801,516 for the  
9 1992-93 fiscal year to support programs to prevent domestic violence and  
10 sexual assault to be allocated as follows:  
11           (1) Each of the 61 domestic violence centers in operation on  
12 January 1, 1991 and in operation on the date of the  
13 allocation, that offer services including a 24-hour hotline,  
14 transportation services, community education programs,  
15 daytime counseling services, and call forwarding during the  
16 night, shall receive a grant of \$30,000 each year of the 1991-  
17 93 biennium to be used for operation of the center.

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- (2) Each of the 47 sexual assault programs in operation on January 1, 1991 and in operation on the date of the allocation, that offer services including a 24-hour hotline, transportation services, community education programs, daytime counseling services, and call forwarding during the night, shall receive a grant of \$30,000 each year of the 1991-93 biennium to be used for operation of the program.
- (3) \$150,000 in each year of the 1991-93 biennium to be used for start-up of additional programs to address problems of domestic violence and of sexual assault; provided that not more than \$30,000 may be granted to each new domestic violence and each new sexual assault program that meets criteria established by the Council on the Status of Women.
- (4) \$30,000 in fiscal year 1991-92 and \$30,000 in fiscal year 1992-93 shall be used for grants-in-aid of \$15,000 in each fiscal year to the North Carolina Coalition Against Domestic Violence, Inc., and \$15,000 in each fiscal year to the North Carolina Coalition Against Sexual Assault, Inc.

Sec. 2. This act becomes effective July 1, 1991.

## ANALYSIS OF LEGISLATIVE PROPOSAL III

**Section 1.** Appropriates \$1,801,516 in each year of the 1991-93 biennium to the Council on the Status of Women for the support of domestic violence and sexual assault prevention programs. This sum represents a \$30,000 allocation to each existing domestic violence center and sexual assault program. Allocates \$150,000 in each year of the 1991-93 biennium to be used for start-up of additional domestic violence and sexual assault programs, and \$30,000 in each year of the biennium for grants-in-aid of \$15,000 each for the N.C. Coalition Against Domestic Violence and the N.C. Coalition Against Sexual Assault.

**Section 2.** The bill would become effective July 1, 1991.

**LEGISLATIVE PROPOSAL IV**

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

**S/H**

**D**

**91-LNU-031B(1.1)**

**(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)**

**Short Title: Family Preservation Act.**

**(Public)**

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**Sponsors:**

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**Referred to:**

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1                   A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR FAMILY PRESERVATION SERVICES, TO  
3 ESTABLISH THE COMMISSION ON FAMILY-CENTERED SERVICES,  
4 AND TO APPROPRIATE FUNDS FOR THE COMMISSION ON  
5 FAMILY-CENTERED SERVICES.  
6           Whereas, the General Assembly finds that State efforts to strengthen  
7 families and keep them together while promoting the protection and well-being  
8 of children are important for North Carolina; and  
9           Whereas, the General Assembly establishes that "family  
10 preservation" programs are those that provide home-based crisis intervention  
11 services as an alternative to out-of-home placement of children; and  
12           Whereas, the General Assembly recognizes that family preservation  
13 programs operating in the State's mental health, social services, and juvenile  
14 justice systems are providing short-term, intensive, home-based services that  
15 are showing dramatic results in keeping children together with their families  
16 and in preventing unnecessary out-of-home placements; and

1           Whereas, the General Assembly finds that family preservation  
2 programs currently offered should be expanded, strengthened, and made more  
3 efficient through intra-agency coordination of these programs; Now, therefore:  
4 The General Assembly of North Carolina enacts:

5           Section 1. Article 3 of Chapter 143B of the General statutes is  
6 amended by adding a new Part to read:

7                           **"Part 5A. Family Preservation Act.**

8           **"§ 143B-150.5. Family Preservation Services Program established;**  
9                           **purpose.**

10          (a) There is established the Family Preservation Services Program of the  
11 Department of Human Resources. The Program shall be phased-in over a four  
12 year period, commencing with fiscal year 1991-92. By the end of the four-  
13 year phase-in period there shall be available in each of the 100 counties a  
14 locally-based family preservation services project. The Family Preservation  
15 Services Program shall be developed and implemented in accordance with the  
16 provisions of this act and the standards, rules, and procedures adopted by the  
17 Commission on Family-Centered Services under G.S. 143B-150.8.

18          (b) The purpose of the Family Preservation Program is, where feasible and  
19 in the best interests of the child and the family, to keep the family unit intact  
20 by providing intensive family-centered services that help create, within the  
21 family, positive, long-term changes in the home environment.

22          (c) Family preservation services shall be financed in part through grants to  
23 counties for the development and implementation of locally-based family  
24 preservation service projects. Grants to counties shall be made in accordance  
25 with the provisions of G.S. 143B-150.6.

26          (d) The Secretary of Human Resources shall enforce the rules adopted by the  
27 Commission for Family-Centered Services and shall ensure the cooperation of  
28 the Division of Social Services, the Division of Youth Services, and the  
29 Division of Mental Health, Developmental Disabilities, and Substance Abuse  
30 Services in carrying out the provisions of this act.

31           **"§ 143B-150.6. Program services; eligibility; caseworker**  
32                           **qualifications; grants for local projects; fund**  
33                           **transfers.**

34          (a) Services: services to be provided under the Family Preservation Program  
35 shall include: family assessment, intensive family and individual counseling,  
36 client advocacy, case management, development and enhancement of parenting  
37 skills, and referral for other services as appropriate.

38          (b) Eligibility: families eligible for services under the Family Preservation  
39 Program are those with children ages 0-17 years who are at risk of separation

1 through placement in public welfare, mental health, or juvenile justice systems,  
2 and those with children in out-of-home placement in these systems.

3 (c) Service delivery; services delivered to eligible families under the Family  
4 Preservation Program shall be provided in accordance with the following  
5 requirements:

6 (1) Each eligible family shall receive intensive family preservation  
7 services, beginning with identification of an imminent risk of  
8 out-of-home placement, for an average of six to eight  
9 consecutive weeks, but not more than 12 consecutive weeks  
10 per family;

11 (2) At least one-half of a caseworker's time spent providing  
12 family preservation services to each eligible family shall be  
13 provided in the family's home and community;

14 (3) Family preservation caseworkers shall be available to each  
15 eligible family by telephone and on call for visits 24 hours a  
16 day, seven days a week.

17 (4) Each family preservation caseworker shall provide services to  
18 a maximum of four families at any given time.

19 (d) Caseworker qualifications: Persons who provide family preservation  
20 services directly or indirectly to families shall be qualified as follows:

21 (1) An agency staff member who provides direct services to  
22 eligible families under the Family Preservation Program must  
23 posses an undergraduate degree in social work or other  
24 relevant human services field, and three years' experience in  
25 working with families;

26 (2) An agency staff member who supervises caseworkers who  
27 provide direct services under the Family Preservation Program  
28 must possess a master's degree in social work or other  
29 relevant human services field, plus three years' experience  
30 which shall include one year as clinical supervisor and two  
31 years' working in family-based services;

32 (3) Caseworkers, supervisors, and paraprofessional program staff  
33 must satisfy competency-based preservice and ongoing  
34 inservice training requirements established by the Commission  
35 on Family-Centered Services.

36 (e) Grants for local projects: The Commission on Family-Centered Services  
37 shall award grants to counties for the development and implementation of  
38 locally-based family preservation services projects. The number of grants  
39 awarded and the level of funding of each grant for each fiscal year shall be  
40 contingent upon and determined by funds appropriated for that purpose by the



- 1           (4) One member who is a district court judge certified by the  
2           Administrative Office of the Courts to hear juvenile cases;  
3           (5) One member representing the schools of Social Work of The  
4           University of North Carolina;  
5           (6) Two members, one of whom is a provider of family  
6           preservation services, and one of whom is a consumer of  
7           family preservation services; and  
8           (7) Three members who represent county-level associations; one  
9           of whom represents the Association of County  
10           Commissioners, one of whom represents the Association of  
11           Directors of Social Services, and one of whom represents the  
12           Association of Mental Health Directors.

13       The Governor shall appoint two members to serve as cochair  
14 Commission, one of whom shall be the Assistant Secretary for Children and  
15 Family of the Department of Human Resources. The other shall be appointed  
16 cochair for a two-year term on a rotating basis from among the Commission  
17 members who represent the Division of Youth Services, Division of Social  
18 Services, and Division of Mental Health, Developmental Disabilities, and  
19 Substance Abuse Services.

20       (c) Members of the Commission shall receive per diem and necessary travel  
21 and subsistence expenses in accordance with G.S. 138-5.

22       (d) A majority of the Commission shall constitute a quorum for the  
23 transaction of its business.

24       (e) The Commission may use funds allocated to it to employ an  
25 administrative staffperson to assist the Commission in carrying out its duties.  
26 Clerical and other support staff services needed by the Commission shall be  
27 provided by the Secretary of Human Resources.

28       **"143B-150.8. Commission on Family-Centered Services; powers and**  
29       **and duties.**

30       (a) The Commission on Family-Centered Services shall have the following  
31 powers and duties:

- 32           (1) Develop a plan for the statewide implementation of an intra-  
33           agency family preservation services program whereby family-  
34           centered preservation services are available in all counties by  
35           July 1, 1995 through the coordinated efforts of the Division  
36           of Social Services, Division of Youth Services, and Division  
37           of Mental Health, Developmental Disabilities, and Substance  
38           Abuse Services.  
39           (2) Establish standards and adopt rules and regulations for:

- 1           a. Oversight and development of family-centered  
2           preservation services;  
3           b. Development and maintenance of intra-agency training  
4           and technical assistance in the provision of family-  
5           centered services;  
6           c. Professional staff qualifications, program monitoring,  
7           and data collection;  
8           d. Statewide evaluation of locally-based family  
9           preservation programs;  
10          e. Coordination of funding sources for family preservation  
11          programs;  
12          f. Development of procedures for awarding grants to local  
13          agencies providing family-centered services; and  
14          g. Annual reports to the Governor and the General  
15          Assembly on the services provided and achievements of  
16          the Family Preservation Services Program.

- 17          (3) The Commission shall submit a written report not later than  
18          May 1, 1992, and not later than October 1 of each year  
19          thereafter, to the Governor, to the Joint Legislative  
20          Commission on Governmental Operations, and to the  
21          Commission on the Family. The report shall address the  
22          Commission's progress in implementing the Family  
23          Preservation Services Program. The report shall include an  
24          accounting of funds expended and anticipated funding needs  
25          for full implementation of the program. The report shall also  
26          include the following information for each county  
27          participating in the Program and for the Program as a whole:  
28          a. The number of families receiving service through the  
29          Program;  
30          b. The number of children at risk of placement prior to  
31          initiation of service in families receiving Program  
32          services;  
33          c. Among those children in subparagraph b, the number  
34          of children placed in foster care, in group homes, and  
35          in other facilities outside their homes and families;  
36          d. The average cost of the service provided to families  
37          under the Program;  
38          e. The estimated cost of out-of-home placement, through  
39          foster care, group homes, or other facilities, which  
40          would otherwise have been expended on behalf of

1 children at risk of placement who successfully remain  
2 united with their families as a result of services  
3 provided through the Program,. Cost estimates should  
4 be based on average length of stay and average cost of  
5 such out-of-home placements;

6 f. The number of children who remain unified with their  
7 families for one, two, and three years after receiving  
8 services under the Program; and

9 g. An overall statement of the progress of the Program  
10 and local projects during the preceding year, along with  
11 recommendations for improvements.

12 (b) The Commission may use funds allocated to it to contract for services to  
13 monitor local projects and for an independent evaluation of the Family  
14 Preservation Services Program.

15 (c) Rules adopted by the Family-Centered Services Commission shall be in  
16 accordance with Chapter 150B of the General Statutes and shall be consistent  
17 with rules adopted by the Social Services Commission and the Commission for  
18 Mental Health, Developmental Disabilities, and Substance Abuse Services  
19 pertaining to the out-of-home placement of children.

20 "§ 143B-150.9 Commission on Family-Centered Services; agency  
21 cooperation

22 All appropriate State agencies, including the Department of Human  
23 Resources, the Department of Environment, Health, and Natural Resources,  
24 the Department of Public Instruction, the Administrative Office of the Courts,  
25 and other public and private family-preservation service providers shall  
26 cooperate with the Commission in carrying out its duties."

27 Sec. 2. There is appropriated from the General Fund to the  
28 Department of Human Resources the sum of \$80,000 for the 1991-92 fiscal  
29 year, and the sum of \$80,000 for the 1992-93 fiscal year, to implement the  
30 Commission for Family-Centered Services established in section 1 of this act.

31 Sec. 3. Section 1 of this act becomes effective October 1, 1991 if  
32 and only if specific funds are appropriated for the implementation of the  
33 Commission established in section 1 of this act. Section 2 of this act becomes  
34 effective July 1, 1991. Funds appropriated for the 1991-92 fiscal year or for  
35 any fiscal year in the future do not constitute any entitlement to services  
36 beyond those provided for that fiscal year. Nothing in this act creates any  
37 rights except to the extent that funds are appropriated by the State to  
38 implement its provisions from year to year and nothing in this act obligates the  
39 General Assembly to appropriate any funds to implement its provisions.

## ANALYSIS OF LEGISLATIVE PROPOSAL IV

**Section 1.** Establishes the Family Preservation Program in the Department of Human Resources, with a four year phase-in beginning in 1991-92. By the end of the phase-in period, family preservation projects are to be available in each county. This section also details the services to be provided and lists eligibility criteria for families seeking services under the program as well as caseworker qualifications for service providers.

The Commission on Family-Centered Services is established in the Department of Human Resources, and is composed of 19 members including departmental representatives, gubernatorial appointees, and appointees of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Commission is to develop a plan for the statewide implementation of an intra-agency family services program, and to establish standards and adopt rules and regulations for oversight and development of family-centered preservation services. The Commission is to report annually to the Governor, the General Assembly, and the Commission on the Family.

**Section 2.** Appropriates \$80,000 from the General Fund in each fiscal year of the 1991-93 biennium to the Department of Human Resources to implement the Commission for Family-Centered Services.

**Section 3.** Substantive provisions of the Act become effective October 1, 1991 if funds are appropriated. Appropriations for the provisions of the Act would become effective July 1, 1991.